

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLY MOORE,

Defendant.

CR-25-50-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 12, 2025. (Doc. 13.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 11, 2025 (Doc. 8.)

The United States accused Kelly Moore (Moore) of violating the conditions of his supervised release by: (1) using marijuana on April 30, 2025; (2) failing to report for substance abuse testing on May 4, 2025; (3) consuming alcohol on May 19, 2025; and (4) committing another federal, state or local crime, having been

charged on May 19, 2025 with Abuse of a Family Member, a Class I offense in violation of Fort Belknap Tribal Code Title IV, Part II, Section 1.2 . (Doc. 4.)

At the revocation hearing, Moore admitted he had violated the conditions of his supervised release by: (1) using marijuana on April 30, 2025; (2) failing to report for substance abuse testing on May 4, 2025; (3) consuming alcohol on May 19, 2025. The government moved to dismiss alleged violation 4, which Judge Johnston granted. (Doc. 8.)

Judge Johnston found that the violations Moore admitted proves serious and warrants revocation of his supervised release and recommends a term of custody of 3 months, with 24 months supervised release to follow. Judge Johnston also recommended that Moore be placed in a secure in-patient substance abuse facility for up to 180 days at the direction of his probation officer. (Doc. 13.) The Court advised Moore of his right to appeal and to allocute before the undersigned. (Doc. 48.)

The violations prove serious and warrants revocation of Moore's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 13) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Kelly Moore be sentenced to a term of custody of 3 months, with

24 months of supervised release to follow. Moore should be placed in a secure in-patient substance abuse facility for up to 180 days at the direction of his probation officer.

DATED this 30th day of June 2025.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Courts